

1-1 By: Zerwas (Senate Sponsor - Kolckhorst) H.B. No. 4675
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 15, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Fort Bend County Municipal Utility
1-18 District No. 222; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 8076 to read as follows:

1-24 CHAPTER 8076. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 222

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8076.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Fort Bend County Municipal
1-32 Utility District No. 222.

1-33 Sec. 8076.0102. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 8076.0103. CONFIRMATION AND DIRECTOR ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8076.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section
1-42 8076.0103 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 8076.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8076.0106. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act enacting this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8076.0201. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8076.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8076.0202. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 8076.0103; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 8076.0103 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 8076.0103; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8076.0301. GENERAL POWERS AND DUTIES. The district

2-42 has the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 8076.0302. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 8076.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8076.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 8076.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

3-1 applicable requirements of any ordinance or resolution that is
 3-2 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-3 consents to the creation of the district or to the inclusion of land
 3-4 in the district.

3-5 Sec. 8076.0306. DIVISION OF DISTRICT. (a) The district may
 3-6 be divided into two or more new districts only if the district:

- 3-7 (1) has never issued any bonds; and
- 3-8 (2) is not imposing ad valorem taxes.

3-9 (b) This chapter applies to any new district created by
 3-10 division of the district, and a new district has all the powers and
 3-11 duties of the district.

3-12 (c) A new district created by division of the district may
 3-13 not, at the time the new district is created, contain any land
 3-14 outside the area described by Section 2 of the Act enacting this
 3-15 chapter.

3-16 (d) The board, on its own motion or on receipt of a petition
 3-17 signed by the owner or owners of a majority of the assessed value of
 3-18 the real property in the district, may adopt an order dividing the
 3-19 district.

3-20 (e) The board may adopt an order dividing the district
 3-21 before or after the date the board holds an election under Section
 3-22 8076.0103 to confirm the district's creation.

3-23 (f) An order dividing the district shall:

- 3-24 (1) name each new district;
- 3-25 (2) include the metes and bounds description of the
 3-26 territory of each new district;
- 3-27 (3) appoint temporary directors for each new district;

3-28 and
 3-29 (4) provide for the division of assets and liabilities
 3-30 between or among the new districts.

3-31 (g) On or before the 30th day after the date of adoption of
 3-32 an order dividing the district, the district shall file the order
 3-33 with the commission and record the order in the real property
 3-34 records of each county in which the district is located.

3-35 (h) A new district created by division of the district shall
 3-36 hold a confirmation and directors' election as required by Section
 3-37 8076.0103.

3-38 (i) If the creation of the new district is confirmed, the
 3-39 new district shall provide the election date and results to the
 3-40 commission.

3-41 (j) A new district created by division of the district must
 3-42 hold an election as required by this chapter to obtain voter
 3-43 approval before the district may impose a maintenance tax or issue
 3-44 bonds payable wholly or partly from ad valorem taxes.

3-45 (k) Municipal consent to the creation of the district and to
 3-46 the inclusion of land in the district granted under Section
 3-47 8076.0104 acts as municipal consent to the creation of any new
 3-48 district created by division of the district and to the inclusion of
 3-49 land in the new district.

3-50 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-51 Sec. 8076.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-52 The district may issue, without an election, bonds and other
 3-53 obligations secured by:

- 3-54 (1) revenue other than ad valorem taxes; or
- 3-55 (2) contract payments described by Section 8076.0403.

3-56 (b) The district must hold an election in the manner
 3-57 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-58 before the district may impose an ad valorem tax or issue bonds
 3-59 payable from ad valorem taxes.

3-60 (c) The district may not issue bonds payable from ad valorem
 3-61 taxes to finance a road project unless the issuance is approved by a
 3-62 vote of a two-thirds majority of the district voters voting at an
 3-63 election held for that purpose.

3-64 Sec. 8076.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-65 authorized at an election held under Section 8076.0401, the
 3-66 district may impose an operation and maintenance tax on taxable
 3-67 property in the district in accordance with Section 49.107, Water
 3-68 Code.

3-69 (b) The board shall determine the tax rate. The rate may not

4-1 exceed the rate approved at the election.

4-2 Sec. 8076.0403. CONTRACT TAXES. (a) In accordance with
 4-3 Section 49.108, Water Code, the district may impose a tax other than
 4-4 an operation and maintenance tax and use the revenue derived from
 4-5 the tax to make payments under a contract after the provisions of
 4-6 the contract have been approved by a majority of the district voters
 4-7 voting at an election held for that purpose.

4-8 (b) A contract approved by the district voters may contain a
 4-9 provision stating that the contract may be modified or amended by
 4-10 the board without further voter approval.

4-11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-12 Sec. 8076.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-13 OBLIGATIONS. The district may issue bonds or other obligations
 4-14 payable wholly or partly from ad valorem taxes, impact fees,
 4-15 revenue, contract payments, grants, or other district money, or any
 4-16 combination of those sources, to pay for any authorized district
 4-17 purpose.

4-18 Sec. 8076.0502. TAXES FOR BONDS. At the time the district
 4-19 issues bonds payable wholly or partly from ad valorem taxes, the
 4-20 board shall provide for the annual imposition of a continuing
 4-21 direct ad valorem tax, without limit as to rate or amount, while all
 4-22 or part of the bonds are outstanding as required and in the manner
 4-23 provided by Sections 54.601 and 54.602, Water Code.

4-24 Sec. 8076.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-25 issuance, the total principal amount of bonds or other obligations
 4-26 issued or incurred to finance road projects and payable from ad
 4-27 valorem taxes may not exceed one-fourth of the assessed value of the
 4-28 real property in the district.

4-29 SECTION 2. The Fort Bend County Municipal Utility District
 4-30 No. 222 initially includes all the territory contained in the
 4-31 following area:

4-32 BEING a 1,309.2 acre tract of land situated in the Micajah
 4-33 Autrey Survey, Abstract No. 100, the H. & T.C. R.R. Co. Survey,
 4-34 Section 75, Abstract No. 732, and the John J. Bond Survey, Abstract
 4-35 No. 113 of Fort Bend County, Texas and being a portion of a called
 4-36 1,316.47 acre tract of land as described in an instrument to F, H, &
 4-37 L 2012 Trust U/T/A, et. al. recorded under Fort Bend County Clerk's
 4-38 File Number (F.B.C.C.F. No.) 2012149037, said 1,309.2 acre tract of
 4-39 land described by metes and bounds as follows:

4-40 BEGINNING at a 1/2-inch iron pipe with cap stamped "KALKOMEY
 4-41 SURVEYING" found for the Southwest corner of the herein described
 4-42 tract, lying in the South line of said John J. Bond Survey, same
 4-43 being the common North line of the Rufus Wright Survey, Abstract
 4-44 No. 344 and a called 461.36 acre tract of land described as Tract 2
 4-45 in an instrument to FF Texas Holdings LP recorded under F.B.C.C.F.
 4-46 No. 2013104491, lying on the East right-of-way line of Jordan Road
 4-47 (80 feet wide) as recorded under Volume 398, Page 94 through 100 of
 4-48 the Deed Records of Fort Bend County (D.R.F.B.C.), and bears N 87°
 4-49 31'41" E, 39.79 feet from the common Southwest corner of said
 4-50 1,316.47 acre tract and said John J. Bond Survey lying on the
 4-51 centerline of said Jordan Road and the East line of the Nathan
 4-52 Brookshire League, Abstract No. 14;

4-53 THENCE, along and with the East right-of-way line of said
 4-54 Jordan Road, the following courses and distance:

4-55 N 02° 21' 18" W, a distance of 1,588.78 feet to a 1/2-inch
 4-56 pipe with cap stamped "BGE INC" for an angle point in the West line
 4-57 of the herein described tract;

4-58 N 02° 16' 07" W, continuing along the East right-of-way line
 4-59 of said Jordan Road for a total distance of 5,174.62 feet to a
 4-60 1/2-inch pipe with cap stamped "BGE INC" for an angle point in the
 4-61 West line of the herein described tract;

4-62 N 02° 30' 17" W, continuing along and with the East
 4-63 right-of-way line of said Jordan Road for a total distance of
 4-64 1,757.92 feet to a 1/2-inch pipe with cap stamped "BGE INC" for the
 4-65 Northwest corner of the herein described tract from which the
 4-66 centerline of Jordan Road and the Northwest corner of said 1,316.47
 4-67 acre tract bears S 87° 38' 20" W, 40.00 feet;

4-68 THENCE, N 87° 38' 20" E, continuing along and with the North
 4-69 line of said 1,316.47 acre tract for a total distance of 5,994.26

5-1 feet to a 2-inch pipe found for the common Northeast corner of said
 5-2 1,316.47 acre tract and the herein described tract,

5-3 THENCE, S 01° 59' 02" E, along and with the common East line
 5-4 of said 1,316.47 acre tract and said H. & T.C. R.R. Co. Survey,
 5-5 Section 75, A-732 for a total distance of 5,617.04 feet to a
 5-6 1/2-inch iron pipe with cap stamped "BGE INC" for the common
 5-7 interior corner of said 1,316.47 acre tract, said Micajah Autrey
 5-8 Survey, and the herein described tract;

5-9 THENCE, N 87° 50' 09" E, a distance of 2,143.64 feet along and
 5-10 with the common line of said 1,316.47 acre tract and said Micajah
 5-11 Autrey Survey, to a 1-1/2-inch iron pipe found for a common corner
 5-12 of said 1,316.47 acre tract and the herein described tract;

5-13 THENCE, S 02° 28' 42" E, along and with the East line of said
 5-14 1,316.47 acre tract for a total distance of 2,879.51 feet to a
 5-15 1-inch iron pipe found for the common Southeast corner of said
 5-16 1,316.47 acre tract, said John J. Bond Survey, and the herein
 5-17 described tract;

5-18 THENCE, S 87° 29' 13" W, a distance of 2,539.09 feet along and
 5-19 with the common South line of said 1,316.47 acre tract and said John
 5-20 J. Bond Survey to a found 5/8-inch iron rod;

5-21 THENCE, S 87° 31' 41" W, a distance of 5,571.85 feet along and
 5-22 with the common South line of said 1,316.47 acre tract and said John
 5-23 J. Bond Survey to the POINT OF BEGINNING and containing 1,309.2
 5-24 acres of land.

5-25 Bearing orientation is based on the Texas Coordinate System
 5-26 of 1983 (NAD83), South Central Zone 4204 and is referenced to
 5-27 monuments found along the perimeter of a called 1,316.47 acre tract
 5-28 of land as cited herein and as shown on a survey plat of even date
 5-29 prepared by the undersigned in conjunction with this metes and
 5-30 bounds description.

5-31 SECTION 3. (a) The legal notice of the intention to
 5-32 introduce this Act, setting forth the general substance of this
 5-33 Act, has been published as provided by law, and the notice and a
 5-34 copy of this Act have been furnished to all persons, agencies,
 5-35 officials, or entities to which they are required to be furnished
 5-36 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-37 Government Code.

5-38 (b) The governor, one of the required recipients, has
 5-39 submitted the notice and Act to the Texas Commission on
 5-40 Environmental Quality.

5-41 (c) The Texas Commission on Environmental Quality has filed
 5-42 its recommendations relating to this Act with the governor, the
 5-43 lieutenant governor, and the speaker of the house of
 5-44 representatives within the required time.

5-45 (d) All requirements of the constitution and laws of this
 5-46 state and the rules and procedures of the legislature with respect
 5-47 to the notice, introduction, and passage of this Act are fulfilled
 5-48 and accomplished.

5-49 SECTION 4. (a) If this Act does not receive a two-thirds
 5-50 vote of all the members elected to each house, Subchapter C, Chapter
 5-51 8076, Special District Local Laws Code, as added by Section 1 of
 5-52 this Act, is amended by adding Section 8076.0307 to read as follows:
 5-53 Sec. 8076.0307. NO EMINENT DOMAIN POWER. The district may
 5-54 not exercise the power of eminent domain.

5-55 (b) This section is not intended to be an expression of a
 5-56 legislative interpretation of the requirements of Section 17(c),
 5-57 Article I, Texas Constitution.

5-58 SECTION 5. This Act takes effect immediately if it receives
 5-59 a vote of two-thirds of all the members elected to each house, as
 5-60 provided by Section 39, Article III, Texas Constitution. If this
 5-61 Act does not receive the vote necessary for immediate effect, this
 5-62 Act takes effect September 1, 2019.

5-63 * * * * *